

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

KENNETH ALLEN CAMPBELL, JR.,)
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Plaintiff,)
)
)
vs.) No. CIV-07-747-C
)
)
OKLAHOMA COUNTY DETENTION)
CENTER, *et al.*,)
)
)
Defendant)

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff brought the present action pursuant to 42 U.S.C. § 1983, seeking recompense for alleged violations of his Constitutional rights while a pretrial detainee. Consistent with the provisions of 28 U.S.C. § 636(b)(1)(B), this action was referred to United States Magistrate Judge Bana Roberts. Judge Roberts entered a Report and Recommendation on January 29, 2008, to which Plaintiff timely objected.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. Judge Roberts noted that Plaintiff failed to exhaust administrative remedies prior to filing the present action and therefore dismissal was proper.¹ Plaintiff does not dispute the lack of

¹ Judge Roberts' finding on this issue resulted from Defendants' Motion to Dismiss raising the issue. Therefore, it was proper under the holding of *Jones v. Bock*, --- U.S. ---, 127 S.Ct. 910 (2007).

exhaustion, but argues the matter should be stayed while he exhausts his administrative remedies. The Court finds stay is not appropriate in this case not only because, as Judge Roberts noted, Plaintiff has failed to offer any valid reason for not initiating the grievance process, but also because he fails to offer any factual or legal support for the abatement of these proceedings.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 16), and for the reasons announced therein, DISMISSES Plaintiff's Complaint without prejudice. A judgment will enter accordingly.

IT IS SO ORDERED this 21st day of February, 2008.



ROBIN J. CAUTHRON
United States District Judge